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INVESTMENT GRADE LOANS, INC., et al.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FLETCHER HARTWELL HYLER and
SHERYL ROOT HYLER,

Plaintiffs,

vs.

INVESTMENT GRADE LOANS, INC.,
et al.

Defendants.

CASE NO.: 07-CV-03180 WHA

[PROPOSED] ORDER
EXPUNGING LIS PENDENS
AND FOR AWARD OF FEES
AND COSTS

The motion of Defendants, INVESTMENT GRADE LOANS, INC., et al. (hereinafter "IGL"), to expunge two (2) separate Notices of Pending Action and for an award of attorney fees and costs came on for hearing before the Court in Department 9 on August 28, 2008. Defendants and moving parties, IGL, appeared by counsel The Law Office of Michael E. Stone, and Plaintiff, FLETCHER HARTWELL HYLER appeared in propria persona.

The Court having read and considered the motion, the points and authorities and declarations filed by the parties, and having heard argument of the parties, the Court finds as follows: that the complaint does not state a real property claim, in that at the time the Lis Pendens was recorded in the Official Records of San Mateo County, California, there was no action pending between the parties; the Plaintiff, appearing in this matter *in pro se*, failed to seek an order from the Court permitting him to record either of the Lis Pendens that were at issue; the Plaintiff failed to comply with the mailing

1 requirements for filing and service of a lis pendens, as set forth in California law; and, Plaintiff can
2 not, under any circumstances, establish by a preponderance of evidence, as required under California
3 Code of Civil Procedure Sec. 405.32, that there is a probable validity to his motion to set aside the
4 earlier dismissal of this case or the underlying claims pursuant to the Truth In Lending Act ("TILA").

5 Therefore,

6 IT IS ORDERED THAT the motion is granted. The notice of pendency of action (lis pendens)
7 Plaintiff caused to be recorded on July 23, 2008 in the Official Records of San Mateo County,
8 California, as Instrument No. 2008-084990, and the lis pendens Plaintiff caused to be recorded on
9 July 30, 2008, in the Official Records of San Mateo County, California, as Instrument No. 2008-
10 087986, are both ordered expunged.

11 IT IS FURTHER ORDERED that Plaintiffs, FLETCHER HARTWELL HYLER and
12 SHERYL ROOT HYLER shall reimburse Defendant IGL the sum of \$4,025.00 for attorney fees and
13 costs incurred in this motion.

14 Dated: August ___, 2008

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Judge of the U.S. District Court for the
Northern District of California
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